

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENJAMIN FONKEM,
Plaintiff,

v.

DEAN O'MALLEY AND
TIMOTHY AHERN, in their
individual capacities,
Defendants.

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) Civil Action No. 04-10754-EFH
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MOTION TO WITHDRAW AS COUNSEL

Pursuant to L.R. 83.5.2 (c), Attorneys Howard Friedman and Myong J. Joun of the Law Offices of Howard Friedman, P.C., move to withdraw as counsel for the plaintiff in this matter. In support of this motion, Attorneys Friedman and Joun state the following:

1. The undersigned attorneys are counsel for plaintiff, Benjamin Fonkem, in the above-entitled action.
2. There have arisen irreconcilable differences between the plaintiff and his undersigned attorneys in that there has been a deterioration of the attorney-client relationship and breakdown in communication.
3. As a result of the irreconcilable differences, the undersigned attorneys will be unable to effectively and properly continue representing the plaintiff.
4. Presently, plaintiff does not have successor counsel. However, there are no motions pending before the court and no trial date has been set in this matter. Other than the status conference scheduled for November 16, 2006, there are no hearings, or conferences scheduled, and no reports, oral or written, are due.

5. The plaintiff's last known address is:

Benjamin Fonkem
22 Katy Cir.
Randolph, MA 02368

6. The undersigned attorneys have provided notice of this motion and of the status conference on November 16, 2006 to the plaintiff by mailing a letter and copy of this motion at the above listed address by regular first class and certified return receipt mail.

WHEREFORE, Attorneys Howard Friedman and Myong J. Joun move this Court to enter an order allowing withdrawal as counsel for the plaintiff in this matter.

RESPECTFULLY SUBMITTED,

/s/ Howard Friedman
Howard Friedman
BBO# 180080
hfriedman@civil-rights-law.com

/s/ Myong J. Joun
Myong J. Joun
BBO# 645099
mjjoun@civil-rights-law.com

Law Offices of Howard Friedman, P.C.
90 Canal Street, 5th Floor
Boston, MA 02114-2022
T (617) 742-4100
F (617) 742-5858

CERTIFICATE OF SERVICE

I certify that on this day the above document was filed through the CM/ECF system and that a true copy will be electronically served upon the attorneys of record for each party identified on the Notice of Electronic Filing as registered users and that a paper copy was mailed on this day to plaintiff Benjamin Fonkem at the above listed address.

Date: 11/9/2006 /s/ Myong J. Joun